IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 57623-M of 2006

DATE OF DECISION : 21.09.2006

Kishori Lal

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Anil Chawla, Advocate, for the petitioner.

Petitioner Kishori Lal, apprehending his arrest in a non-bailable offence in case FIR No. 10 dated 30.1.2005 under Sections 193, 152, 195, 120-B and 409 IPC, registered at Police Station Kotwali, District Amritsar, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

2. I have heard counsel for the petitioner and gone through the contents of the FIR as well as the order dated 7.6.2006, passed by Additional Sessions Judge, Amritsar, whereby bail application of the petitioner has been dismissed.

3. In the aforesaid FIR, it is the prosecution version that Constable Munish Kumar (co-accused of the petitioner) hatched a conspiracy with PHC Rakesh Kumar and made a scheme to falsely implicate Surinder Singh complainant, who is father-in-law of Constable Munish Kumar, in a criminal case. In pursuance of the said conspiracy, they put `charas' in the shop of Surinder Singh and in connivance with ASI Kishori Lal (petitioner), who was Incharge, Police Post Durgiana Mandir, Amritsar, got conducted a raid upon the shop of Surinder Singh and got recovered the same from his possession. Surinder Singh made a complaint to the higher authorities about his false implication in the NDPS case. On his complaint, three enquiries were conducted by different senior officers, in which it was found that the

aforesaid three persons in connivance with each other planted a false case upon complainant Surinder Singh. On the basis of those enquiry reports, the aforesaid FIR has been registered against the accused, including the petitioner.

4. Counsel for the petitioner contends that as far as petitioner is concerned, he is innocent and has been falsely implicated in this case. He further contends that undisputedly, a criminal case was already pending between complainant Surinder Singh and Constable Munish Kumar.

5. After hearing counsel for the petitioner and keeping in view the fact that the complaint made by the complainant was enquired into by S.P. (Operation) Head quarters, S.P. (City) and SDM, Amritsar and thereafter, the allegations were found to be correct and the FIR was registered, as well as keeping in view the nature of allegations, I do not find any ground to grant the discretionary relief of anticipatory bail to the petitioner.

6. Dismissed.

September 21, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**